

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: George D. Escobar et al.	Art Unit	: 2611
Serial No.	: 09/982,981	Examiner	: Unknown
Filed	: October 22, 2001	Conf. No.	: 7232
Title	: CUSTOMIZED ELECTRONIC PROGRAM GUIDE		

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT IN REPLY TO ACTION OF MAY 17, 2007

In response to the final office action of May 17, 2007, applicants ask that all claims be allowed in view of the following remarks.

Claims 1-25, 27-32, and 34-83 are pending, with claims 1, 12, 22, 29, 36, and 56 being independent. Claims 1-25, 27-32, and 34-83 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,160,570 (“Stinik”) in view of U.S. Patent Number 6,757,691 (“Welsh”). However, under 35 U.S.C. § 103(c), the Welsh reference is disqualified from being used as the basis for an obviousness rejection under 35 U.S.C. § 103(a). Specifically, the Welsh reference only qualifies as prior art under 35 U.S.C. § 102(e), and the instant application and the Welsh reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, America Online, Inc. In addition, the present application was pending on or after December 10, 2004. Consequently, 35 U.S.C. § 103(c) disqualifies the Welsh reference from being used as the basis of an obviousness rejection under 35 U.S.C. § 103(a). See MPEP § 706.02(1).

Applicants note that the Examiner found applicants’ previous arguments persuasive. See Final Office Action at page 2, lines 3-4. Because Welsh may not be used as the basis of an obviousness rejection and the Examiner has acknowledge that Stinik does not anticipate claims 1-25, 27-32, and 34-83, applicants respectfully request allowance of claims 1-25, 27-32, and 34-83.

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be